

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LINDA STILLWELL and RICHARD  
STILLWELL, husband and wife and marital  
community thereof,,

Plaintiffs,

v.

MULTICARE HEALTH SYSTEM, a  
Washington Corporation, and SHARON  
CHANCE and JOHN DOE CHANCE and  
the marital community thereof,,

Defendants.

No. 3:11-cv-05117-BHS

DEFENDANTS MULTICARE HEALTH  
SYSTEM'S AND SHARON CHANCE'S  
ANSWER TO COMPLAINT FOR  
DAMAGES

COME NOW Defendants MultiCare Health System ("MultiCare") and Sharon Chance ("Defendants"), by and through their attorneys of record, and hereby answer Plaintiffs' Complaint for Damages ("Complaint") by admitting, denying, and alleging as follows. Defendants deny all allegations contained in the Complaint unless specifically admitted herein.

**I. PARTIES AND JURISDICTION**

1.1 Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 1.1 of the Complaint and therefore deny the same.

1.2 Defendants admit the allegations set forth in Paragraph 1.2 of the Complaint.

DEFENDANTS MULTICARE HEALTH SYSTEM'S AND SHARON CHANCE'S ANSWER  
TO COMPLAINT FOR DAMAGES (3:11-cv-05117-BHS) - 1

1           1.3     With respect to the allegations contained in Paragraph 1.3 of the Complaint,  
2 Defendants admit only that Defendant Sharon Chance is married.

3           1.4     Paragraph 1.4 of the Complaint consists of a legal conclusion that requires no  
4 response. To the extent a response is warranted, Defendants admit only that Defendant  
5 MultiCare employed Plaintiff Linda Stillwell at Tacoma General Hospital from 1977 to 2009.  
6 Defendants deny that Plaintiff Richard Stillwell was employed by Defendants or that Plaintiff  
7 Linda Stillwell was employed by Defendant Sharon Chance.

8           1.5     Paragraph 1.5 of the Complaint consists of a legal conclusion that requires no  
9 response. To the extent a response is warranted, Defendants admit only that Defendant  
10 MultiCare employed Plaintiff Linda Stillwell at Tacoma General Hospital from 1977 to 2009.  
11

12           1.6     Answering Paragraph 1.6 of the Complaint, Defendants admit only that Defendant  
13 Sharon Chance served as Plaintiff Linda Stillwell's supervisor at the time of the termination of  
14 her employment with Defendant MultiCare. The remainder of Paragraph 1.6 consists of a legal  
15 conclusion to which no response is required.  
16

17           1.7     Without admitting that any of the acts or omissions alleged in the Complaint  
18 actually occurred, Defendants respond to Paragraph 1.7 of the Complaint by admitting that any  
19 acts or omissions forming the basis for this lawsuit occurred in Pierce County, Washington.  
20

## 21                               **II. FACTS**

22           2.1     Defendants admit the allegations contained in Paragraph 2.1 of the Complaint.

23           2.2     Defendants admit the allegations contained in Paragraph 2.2 of the Complaint.

24           2.3     Defendants are without sufficient knowledge or information to form a belief as to  
25 the truth of the allegations set forth in Paragraph 2.3 of the Complaint and therefore deny the  
26

1 same.

2 2.4 Defendants admit the allegations contained in Paragraph 2.4 of the Complaint.

3 2.5 Defendants admit the allegations contained in Paragraph 2.5 of the Complaint.

4 2.6 Defendants are without sufficient knowledge to form a belief as to the truth of the  
5 allegations set forth in Paragraph 2.6 of the Complaint and therefore deny the same.  
6

7 2.7 Defendants are without sufficient knowledge or information to form a belief as to  
8 the truth of the allegations set forth in Paragraph 2.7 of the Complaint and therefore deny the  
9 same.

10 2.8 Defendants are without sufficient knowledge or information to form a belief as to  
11 the truth of the allegations set forth in Paragraph 2.8 of the Complaint and therefore deny the  
12 same.  
13

14 2.9 Defendants are without sufficient knowledge or information to form a belief as to  
15 the truth of the allegations set forth in Paragraph 2.9 of the Complaint and therefore deny the  
16 same.

17 2.10 Defendants are without sufficient knowledge or information to form a belief as to  
18 the truth of the allegations set forth in Paragraph 2.10 of the Complaint and therefore deny the  
19 same.  
20

21 2.11 Answering the allegations contained in Paragraph 2.11 of the Complaint,  
22 Defendants admit only that Plaintiff Linda Stillwell received certain performance evaluations  
23 during the course of her employment with Defendant MultiCare.

24 2.12 Answering the allegations contained in Paragraph 2.12 of the Complaint,  
25 Defendants admit only that Plaintiff Linda Stillwell expressed concerns in 2009 regarding her  
26

1 workload and the EPIC system.

2           2.13 Answering the allegations contained in Paragraph 2.13 of the Complaint,  
3 Defendants admit only that Plaintiff Linda Stillwell expressed concerns in 2009 regarding her  
4 workload and the EPIC system.

5           2.14 Answering the allegations in Paragraph 2.14 of the Complaint, Defendants admit  
6 only that, during the process of Plaintiff Linda Stillwell's grievances of certain disciplinary  
7 actions in 2009, Ms. Stillwell expressed her opinion that Defendant Sharon Chance had singled  
8 her out.

9           2.15 Answering the allegations contained in Paragraph 2.15 of the Complaint,  
10 Defendants admit only that Plaintiff Linda Stillwell expressed concerns in 2009 regarding her  
11 workload and the EPIC system.

12           2.16 Answering the allegations contained in Paragraph 2.16 of the Complaint,  
13 Defendants admit only that Plaintiff Linda Stillwell expressed concerns in 2009 regarding her  
14 workload.

15           2.17 Answering the allegations contained in Paragraph 2.17 of the Complaint,  
16 Defendants admit only that Plaintiff Linda Stillwell expressed concerns in 2009 regarding her  
17 workload.

18           2.18 Answering the allegations contained in Paragraph 2.18 of the Complaint,  
19 Defendants admit only that Plaintiff Linda Stillwell expressed concerns in 2009 regarding her  
20 workload.

21           2.19 Defendants deny the allegations contained in Paragraph 2.19 of the Complaint.

22           2.20 Defendants deny the allegations contained in Paragraph 2.20 of the Complaint.

23  
24  
25  
26  
**DEFENDANTS MULTICARE HEALTH SYSTEM'S AND SHARON CHANCE'S ANSWER  
TO COMPLAINT FOR DAMAGES (3:11-cv-05117-BHS) - 4**



1 Plaintiffs are entitled to damages, prejudgment interest, attorneys' fees, costs, or any other relief  
2 whatsoever.

3 Having fully answered Plaintiffs' Complaint, Defendants allege the following affirmative  
4 defenses:  
5

6 FIRST AFFIRMATIVE DEFENSE

7 Plaintiffs' Complaint should be dismissed, in whole or in part, due to failure to state a  
8 claim upon which relief may be granted

9 SECOND AFFIRMATIVE DEFENSE

10 Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' failure to exhaust  
11 administrative and/or contractual remedies.

12 THIRD AFFIRMATIVE DEFENSE

13 Plaintiffs' claims are barred, in whole or in part, by the doctrines of res judicata and/or  
14 collateral estoppel.  
15

16 FOURTH AFFIRMATIVE DEFENSE

17 Plaintiffs' claims are barred, in whole or in part, by federal preemption, pursuant to  
18 Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185(a).

19 FIFTH AFFIRMATIVE DEFENSE

20 Plaintiffs' damages, if any, were caused by Plaintiffs' own contributory fault.  
21

22 SEVENTH AFFIRMATIVE DEFENSE

23 Some or all of the relief Plaintiffs seek may be barred by Plaintiffs' failure to mitigate  
24 their damages.

25 WHEREFORE, having fully answered Plaintiffs' Complaint and set out their Affirmative  
26

DEFENDANTS MULTICARE HEALTH SYSTEM'S AND SHARON CHANCE'S ANSWER  
TO COMPLAINT FOR DAMAGES (3:11-cv-05117-BHS) - 6

1 Defenses, Defendants pray for the following relief:

- 2 1. Dismissal of all of Plaintiffs' claims, with prejudice;
- 3 2. An award to Defendants of their attorney's fees and costs; and
- 4 3. Such other relief as the Court deems just and equitable.

5  
6 DATED: May 17, 2011.

STOEL RIVES LLP

7 s/ Timothy J. O'Connell

8 Timothy J. O'Connell, WSBA No. 15372

9 Karin D. Jones, WSBA No. 42406

600 University Street, Suite 3600

Seattle, WA 98101

10 Telephone: (206) 624-0900

Facsimile: (206) 386-7500

11 Email: tjoconnell@stoel.com

Email: kdjones@stoel.com

12 Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties in the above case.

STOEL RIVES LLP

s/ Timothy J. O'Connell  
Timothy J. O'Connell, WSBA No. 15372  
Karin D. Jones, WSBA No. 42406600  
University Street, Suite 3600  
Seattle, WA 98101  
Telephone: (206) 624-0900  
Facsimile: (206) 386-7500  
Email: [tjoconnell@stoel.com](mailto:tjoconnell@stoel.com)  
Email: [kdjones@stoel.com](mailto:kdjones@stoel.com)  
Attorneys for Defendants